

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 123797

64

ORIGIN EUR-25

INFO OCT-01 ISO-00 SS-20 NSC-07 PM-07 SP-03 L-03 CIAE-00

COME-00 DODE-00 DOTE-00 EB-11 FMC-04 INR-10 NSAE-00

RSC-01 CG-00 COA-02 DLOS-07 SWF-02 CEQ-02 EPA-04

NSF-04 SCI-06 FEA-02 INT-08 SSO-00 NSCE-00 INRE-00

USIE-00 PA-04 PRS-01 /134 R

DRAFTED BY EUR/CAN:EMBROWN:MGH

APPROVED BY EUR:RZSMITH

S/S:SEFRY

----- 118010

O 112252Z JUN 74

FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA IMMEDIATE

LIMITED OFFICIAL USE STATE 123797

E.O. 11652: DECONTROL AFTER DELIVERY OF NOTE

TAGS: SENV, CA

SUBJECT: TEXT OF PROPOSED REPLY TO CANADIAN NOTE ON WEST
COAST TANKER TRAFFIC PROBLEM

REFS: STATE 123796

FOLLOWING IS TEXT OF REPLY TO CANADIAN NOTE TO HAVE BEEN
DELIVERED JUNE 6.

QUOTE

EXCELLENCY: I HAVE THE HONOR TO REFER TO YOUR NOTE NO. 63
OF MARCH 25, 1974, REGARDING COOPERATIVE MEASURES TO PRO-
TECT OUR PACIFIC COASTS AND WATERS FROM THE RISK OF DAMAGE
FROM INCREASED TANKER TRAFFIC. THE UNITED STATES SHARES
CANADA'S CONCERN THAT MARINE TRANSIT OF OIL AND OF
OTHER CARGOES BE UNDERTAKEN IN THE MOST ENVIRONMENTALLY
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 123797

RESPONSIBLE FASHION. TO THIS END, THE UNITED STATES HAS

INITIATED A NUMBER OF MEASURES TO MITIGATE OR ELIMINATE ENVIRONMENTAL RISKS TO UNITED STATES AND CANADIAN WATERS. LEGISLATION AUTHORIZING THE CONSTRUCTION OF THE TRANS-ALASKA OIL PIPELINE PROVIDES FOR VESSEL TRAFFIC CONTROL SYSTEMS FOR PRINCE WILLIAM SOUND AND VALDEZ, ALASKA AND REQUIRES THAT ENVIRONMENTAL REGULATIONS FOR VESSELS IN THE COASTWISE TRADE BE PROMULGATED PRIOR TO JUNE 1, 1974. IN ADDITION, THAT LEGISLATION AUTHORIZES THE ESTABLISHMENT OF A \$100,000,000 FUND TO BE USED TO COMPENSATE PERSONS OR ENTITIES, INCLUDING RESIDENTS OF CANADA, INJURED AS A RESULT OF DISCHARGES OF OIL IN ACCORDANCE WITH PRINCIPLES OF STRICT LIABILITY.

IT IS CLEAR, HOWEVER, THAT ADDITIONAL COOPERATIVE MEASURES ARE DESIRABLE, AND THE UNITED STATES AGREES THAT IT WOULD BE APPROPRIATE TO FIND MUTUALLY ADVANTAGEOUS SOLUTIONS TO ENVIRONMENTAL PROBLEMS IN THE PACIFIC AND OTHER WATERS OF COMMON INTEREST. THE UNITED STATES AGREES THAT FURTHER DISCUSSIONS BETWEEN OFFICIALS OF THE UNITED STATES AND CANADA DIRECTED TOWARDS ATTAINMENT OF MUTUALLY ACCEPTABLE ENVIRONMENTAL OBJECTIVES ARE IN ORDER. AS YOUR EXCELLENCY IS AWARE, DISCUSSIONS AIMED AT CONCLUSION OF A JOINT OIL SPILL CONTINGENCY PLAN ARE SUBSTANTIALLY COMPLETED. THE UNITED STATES WOULD ALSO WISH TO HOLD DISCUSSIONS AIMED AT EXPLORING THESE FURTHER AREAS:

A. REACHING AGREEMENT ON GENERAL PRINCIPLES FOR JOINT VESSEL TRAFFIC MANAGEMENT SYSTEMS IN WATERS OF MUTUAL INTEREST. IN THIS CONNECTION, THE UNITED STATES BELIEVES THAT THE QUESTION OF JOINT VESSEL TRAFFIC MANAGEMENT SHOULD BE CONSIDERED IN THE LIGHT OF REQUIREMENTS ALL ALONG THE BOUNDARY, INCLUDING THE GREAT LAKES. IN THE NEAR FUTURE, THE UNITED STATES WILL PROPOSE IN A SEPARATE NOTE INITIATION OF DISCUSSIONS AIMED AT DEVELOPING GENERAL CRITERIA, PROCEDURES AND SPECIFICATIONS OF VESSEL TRAFFIC MANAGEMENT AS A BASIS FOR DEVELOPMENT OF SPECIFIC LOCAL TRAFFIC PLANS.

B. EXPLORING THE FUTURE DEVELOPMENT OF LEGAL PRINCIPLES APPLICABLE TO QUESTIONS OF LIABILITY AND COMPENSATION FOR ENVIRONMENTAL DAMAGE ARISING FROM VESSEL TRAFFIC. AS I HAVE NOTED, THE LEGISLATION AUTHORIZING LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 123797

THE ALASKAN PIPELINE ESTABLISHED A \$100,000,000 FUND TO BE USED IN ACCORDANCE WITH PRINCIPLES OF STRICT LIABILITY TO COMPENSATE INTERESTS, INCLUDING RESIDENTS OF CANADA, WHICH COULD BE HARMED WERE THERE DISCHARGES OF ALASKAN OIL. THE MAINTENANCE OF THIS FUND, WHICH MAY GO BEYOND THE UNITED STATES' OBLIGATIONS UNDER APPLICABLE PRINCIPLES OF INTERNATIONAL LAW, SHOULD HELP TO ASSURE ADEQUATE PROTECTION OF CANADIAN INTERESTS WHICH MAY BE

HARMED BY DISCHARGES OF ALASKAN OIL. LEGAL AND TECHNICAL DISCUSSIONS OF QUESTIONS OF LIABILITY AND COMPENSATION MIGHT INITIALLY CONSIDER MEANS TO ASSURE EFFECTIVE ADMINISTRATION OF THIS FUND.

C. CONSIDERING POSSIBLE JOINT AND COOPERATIVE RESEARCH AND MONITORING PROGRAMS INCLUDING, BUT NOT LIMITED TO:

1) DETERMINING AREAS WHICH ARE PARTICULARLY

SENSITIVE TO ENVIRONMENTAL DAMAGE OR IN WHICH MEASURES COULD BE TAKEN TO IMPROVE ENVIRONMENTAL QUALITY,

2) STUDYING THE MOVEMENT OF COASTAL TIDAL WATERS,

3) METEOROLOGICAL AND OCEANOGRAPHIC FORECASTS AND THE EFFECTS OF ATMOSPHERIC CHANGES ON WATERS OF BOTH COUNTRIES,

4) ECOLOGICAL EFFECTS OF THE INTRODUCTION OF HYDROCARBONS AND OTHER SUBSTANCES INTO WATERS,

5) BIOLOGICAL SURVEYS TO DESCRIBE THE PRESENT STATE OF ECOSYSTEMS AND TO ASCERTAIN AREAS OF CRITICAL ENVIRONMENTAL CONCERNS, AND

6) COOPERATIVE STUDIES IN SEDIMENTOLOGY AND COASTAL AND BOTTOM MORPHOLOGY.

THESE TECHNICAL DISCUSSIONS CAN SERVE AS A USEFUL MEDIUM FOR IDENTIFYING ADDITIONAL AREAS WHERE JOINT ACTION WILL BE NECESSARY AND FOR EXPLORING WHETHER OUR MUTUAL INTERESTS ARE BEST SERVED BY REACHING SOLUTIONS TO THESE LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 STATE 123797

TECHNICAL ISSUES INDIVIDUALLY OR BY LINKING THEM IN A COMPREHENSIVE AGREEMENT.

THE UNITED STATES ALSO NOTES CANADA'S SUGGESTION THAT TECHNICAL DISCUSSIONS BE INITIATED "TO EXPLORE THE FEASIBILITY OF VARIOUS POSSIBLE SUPPLY ROUTES TO THE REFINERIES IN THE PUGET SOUND AREA OF THE UNITED STATES" AND THAT SUCH DISCUSSIONS NOT BE LINKED WITH THE AFOREMENTIONED ENVIRONMENTAL DISCUSSIONS. AS YOUR EXCELLENCE IS AWARE, THE CONGRESS OF THE UNITED STATES HAS APPROVED CONSTRUCTION OF A TRANS-ALASKA OIL PIPELINE. THIS PROJECT HAS BEEN INITIATED, AND ITS COMPLETION WILL NECESSITATE TRAFFIC OF OIL FROM ALASKA TO THE UNITED STATES BY TANKER. THE UNITED STATES WOULD BE PREPARED, HOWEVER, TO HOLD TECHNICAL DISCUSSIONS TO EXPLORE THE FEASIBILITY OF VARIOUS SUPPLY ROUTES TO THE PUGET SOUND

AREA. THE UNITED STATES IS ALSO WILLING TO CONDUCT
TECHNICAL DISCUSSIONS OR EXCHANGES OF INFORMATION ON
THE FEASIBILITY OF SUPPLY ROUTES OR OTHER MEASURES, BOTH
SHORT AND LONG-TERM, WHICH MIGHT PROVIDE ALTERNATIVES TO
THE SHIPMENT OF OIL FROM THE ALASKA PIPELINE BY TANKER
INTO PUGET SOUND, PROVIDED THAT THEY ARE CONSISTENT WITH
MEETING UNITED STATES ENERGY NEEDS. THE UNITED STATES
WOULD BE PREPARED TO CONSIDER SPECIFIC CANADIAN PRO-
POSALS FOR ALTERNATE SUPPLY ROUTES OR OTHER MEASURES
IN ORDER THAT ALL SAFE, PRACTICABLE AND FINANCIALLY

SOUND METHODS OF ENSURING A SUPPLY OF CRUDE OIL TO
REFINERIES IN THE PUGET SOUND AREA BE EXPLORED.

ACCEPT, EXCELLENCY, THE RENEWED ASSURANCES OF MY HIGHEST
CONSIDERATION. UNQUOTE BROWN

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DATA, PETROLEUM, ENVIRONMENT, LAW, DIPLOMATIC NOTES, CARGO SHIPS, ALASKA, PIPELINES
Control Number: n/a
Copy: SINGLE
Draft Date: 11 JUN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: garlanwa
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE123797
Document Source: CORE
Document Unique ID: 00
Drafter: EMBROWN:MGH
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740150-0678
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740654/aaaabuqh.tel
Line Count: 185
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: STATE 123796
Review Action: RELEASED, APPROVED
Review Authority: garlanwa
Review Comment: n/a
Review Content Flags:
Review Date: 15 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <15 APR 2002 by izenbei0>; APPROVED <31 JUL 2002 by garlanwa>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: TEXT OF PROPOSED REPLY TO CANADIAN NOTE ON WEST COAST TANKER TRAFFIC PROBLEM
TAGS: SENV, CA, US
To: OTTAWA
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005